

MINUTES OF THE REGULAR MEETING OF AUGUST 22, 2013

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 22, 2013, in the County Council Chambers, County Administrative Office Building in Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. I.G. Burton, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of August 8, 2013 as amended. Motion carried 5 – 0.

OLD BUSINESS

Mr. Wheatley announced that the Commission would have a discussion on Change of Zone #1725 and Conditional Use #1951, applications of Jack Lingo Asset Management, LLC, together, and then make decisions of each application individually.

Mr. Lank read both titles into the record:

Change of Zone #1725 – Jack Lingo Asset Management, LLC

Application of **JACK LINGO ASSET MANAGEMENT, LLC** to amend the Comprehensive Zoning Map from GR General Residential District to AR-1 Agricultural Residential District, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 74 acres, more or less, lying southeast of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283), 2,400 feet southwest of Mulberry Knoll Road (Road 284). (Tax Map I.D. 3-34-12.00-16.00, part of).

Conditional Use #1951 – Jack Lingo Asset Management, LLC

Application of **JACK LINGO ASSET MANAGEMENT, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a RV Resort and Campground, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 162.424 acres, more or less, lying southeast of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283), 2,400 feet southwest of Mulberry Knoll Road (Road 284). (Tax Map I.D. 3-34-12.00-16.00, part of).

For the record, these applications have been deferred since January 24, 2013. The close of the record was reported on July 11, 2013.

Mr. Johnson stated that the site is in the area that he represents; that there has been a great public involvement on these applications which created a substantial record from both the Applicants and the opposition; that some of the comments could not be considered since they were received after the close of the record; that he has reviewed all of the comments and documents received in the record; and that he is personally impressed by the voluntary buffering from wetlands proposed by the Applicants.

Mr. Burton stated that he has also reviewed the record and notes that the Supplemental Exhibit Booklet submitted by the Applicants shows their intent to try to comply with the concerns expressed by the Commission and the public.

Mr. Smith complimented the information from both the Applicants and the residents of the area, but does not agree that this site is an appropriate location for this type of use due to the loss of the GR General Residential zoning; and that the RV park may boost the economy, but this is not the appropriate location.

Mr. Ross stated that there seems to be at least some misunderstanding regarding what and how evidence presented to the Commission is used in our decision making process; that it seems that many citizens believe that we make decisions based on popularity similar to a referendum; that this is simply not the case; that any decision must consider the elements required by law supported by substantial evidence; that evidence must be weighed; that expert testimony is generally given more weight than non-expert testimony; that if two credentialed experts disagree it is up to the Commission to decide which has presented the better argument; that this is not to say that a non-credentialed citizen can't provide testimony that may outweigh the experts; that public opinion substantiated with fact must be considered heavily in any decision; that in this particular application, many members of the public offered opinions referenced to County Code and the Comprehensive Land Use Plan; that these substantiated opinions could undermine or compliment expert testimony; that one such example is an email included in the record from Mr. Luke Miller; that while Mr. Miller presented no credentials as an expert, he did reference a variety of Ordinance in support of his argument against the applications; that it is this type of testimony that is most helpful to the Commission in arriving at a decision; that to be more specific to the applications it is important to note that these two separate applications, while separate actions, are part of a single request for Conditional Use of the property; that the fact that these applications were combined into a single public hearing, without objection from anyone, is evidence of this; that representatives for the Applicant stated that the change of zone request, Change of Zone #1725, was specific to the application for Conditional Use #1951; that in fact, Mr. Bayard, the Attorney representing the Applicant, stated that the requested change of zone was specifically to accommodate the conditional use request; that additionally within the Applicants proposed Findings of Facts the Applicant states "This rezoning application is contingent upon approval of Conditional Use application #1951; that Ms. Mary Schrider-Fox, the Attorney representing opposition to the application, argued that "the two applications were inexorably intertwined"; that she argued that a RV park is not a permitted use in AR-1 zoning, but a permissible Conditional Use, therefore the down zoning to AR-1 should be denied; that he agrees with Ms. Schrider-Fox that the two applications are inexorably intertwined, but does not agree that a recommendation for denial is in order simply because the ultimate purpose is for a

conditional use; that one must remember that the Applicant has asked that the zoning change be "...contingent upon approval of the conditional use..."; that the Commission has several options in providing a recommendation to the County Council if it should desire to recommend approval of one or both requests understanding that a recommendation for denial of both is also an option; that the Commission could recommend approval of the down zoning and ignore the Applicants request that the down zoning be contingent upon approval of the conditional use; that the Commission could recommend approval of the down zoning and conditional use with the caveat that if the conditional use is not approved or is abandoned the rezoning will revert back to its present zoning; that the Commission could recommend approval of the down zoning and conditional use understanding that if the conditional use is not approved or, is approved and substantially abandoned, the zoning would be AR-1; that considering that the larger portion of the parcel being considered is already AR-1 the change of zone request appears to be a slam dunk; that he believes that if the application was just for the down zoning, without the conditional use, there would be little to no opposition; that he does not think that approving the down zoning and denying the conditional use is fair to the Applicant; that it could be considered punitive and in his opinion not a reasonable response to a legitimate request of use; that as a practical matter, our decision on the conditional use request should ultimately determine the outcome on the down zoning request; that in reviewing the public objection to the two applications the following arguments against the two requests were made: that it was argued by those opposed that the proposed RV park would diminish property values, however, no data or substantial supportive information was provided to substantiate this position; that the Applicant did provide information indicating the presence of a number of RV campgrounds in the County that have and are peacefully co-existing with other uses; that inadvertently perhaps, some public testimony in opposition actually supported the argument of the Applicant; that it was argued that the application did not satisfy §115-172 H in that the proposed RV park did not meet the requirement that it "shall have access to a road with a width of at least 50 feet"; that Cedar Grove Road is a road with a 50-foot right-of-way and therefore meets this requirement; that also referenced within §115-172 H were a number of site plan related issues; that the cabins depicted on the preliminary site plan are not allowed; that some of the campsites did not meet the 2,000 square foot requirements; that some of the campsites were within the 400 foot setback from dwellings of other ownership; that some campsites were within the 100 foot setback from any public road; and that some campsites did not meet the 40 foot width requirement; that none of these justify a recommendation for denial and the Applicant will have to submit a final site plan that is in conformity with the Code to proceed with the project; that as a footnote on the question of the cabins for informational purposes only, the Commission has approved the placement of cabins in campgrounds on more than one occasion; that the State of Delaware even rents cabins as a compliment to some State owned campgrounds; that this issue is not black and white and we will give it more attention during the site plan review process, if we get that far; that it was argued that the conditional use applied for was subject to §115-194.3 because the proposed RV park was greater than 50 dwelling units; that tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes do not meet the definition of a dwelling, therefore, this application is not subject to §115-194.3; that there were a number of public comments concerning environmental assessment/impact of the proposed park; that one of which was a letter written by the Honorable Colin P. O'Mara, Secretary of the Department of Natural Resources and Environmental Control, dated January 23, 2013; that the Applicant

responded to these concerns with two supplements to the record; that the first included an Environmental Report with design recommendations written by Mr. Edward M. Launay, a professional wetland scientist, and the second a supplement to the record incorporating a number of site plan design changes; that the result is a better plan that far exceeds the legal requirements; that there were also more than a few public comments regarding the transient nature of the RV park clientele; that he does not believe that there is any merit to this concern; that from the Mispillion River to Fenwick Island hundreds of thousands of people visit our resorts each week; questioning the comment that these transients are undesirable; that campers are simply more customers supporting the second largest industry in this County, Tourism; that finally the overwhelming issue for the opposition is traffic; that he understands the public frustration of dealing with the high volumes of traffic that exist, especially during the tourist season; that he also appreciates the anecdotal observations of those living in the area; that, regardless, the State of Delaware Department of Transportation (DelDOT) is the traffic czar; that the Commission held the record open for months waiting for the Traffic Impact Study review letter and the DelDOT response; that the DelDOT response was "DelDOT accepts this review letter and concurs with the recommendations"; that there are six specific off-site improvements in the review letter; that he will not read them to save time, but the entire document is in the record and available to all; that it is interesting to note that funding for the construction for the proposed project is not in the currently proposed DelDOT Capital Program budget; that, however, the recommendation goes on to say "With Federal funding, the State would be responsible for 20% of the total project costs, including any costs related to the right-of-way; that the remaining 80% could come from Delaware's allotment of Federal Highway Funds. That we recommend that the developer be responsible for funding the total State allocation, which would be 20% of the total project cost"; that he believes that the Conditional Use application #1951 should be approved for the following reasons: 1) the site is located in the Environmentally Sensitive Developing Area, a designated growth area; 2) the site is served by central sewer and water; 3) the conditional use is appropriate given the location's proximity to Sussex County's tourism center, where tourism is the targeted economic driver; 4) the conditional use promotes tourist related economic development and is consistent with the character of zoning and development in the area; 5) DelDOT has accepted the Traffic Impact Study review letter and concurs with its recommendations; 6) approval with appropriate conditions will minimize any potential negative impact; and 7) the Applicant has established a record which supports approval of the application; and that in being consistent with the record established during the public hearing and having reached this conclusion regarding the conditional use request, it is also his opinion that the change of zoning request should be approved.

Mr. Johnson asked Mr. Robertson if the GR General Residential zoning can be reinstated if the conditional use were to be voided.

Mr. Robertson responded "NO".

Mr. Wheatley stated that a lot of correspondence has been received regarding these applications, and that the Commission can only consider information that was provided while the record was left open.

In reference to **Change of Zone No. 1725:**

Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone No. 1725 for Jack Lingo Asset Management, LLC, for a rezoning from GR General Residential to AR-1 Agricultural Residential based on the record made at the public hearing and for the following reasons:

- 1) This is a down-zoning and it will allow the Applicants to obtain approvals to construct an RV campground on the subject property. The property that is the subject of the application is partly AR-1 Agricultural Residential and partly GR General Residential and this will bring the entire parcel under one common zoning classification. The AR-1 zoning is necessary because a conditional use for a campground is not available in the GR General Residential Zoning District.
- 2) AR-1 Agricultural Residential zoning is appropriate for this area under the County's Comprehensive Land Use Plan and the maps contained in the Plan. Under the Plan, it is in an area appropriate for development, the Environmentally Sensitive Developing District.
- 3) The Sussex County Engineering Department has no objection to the rezoning to AR-1 or the proposed use of the property under the pending Conditional Use.
- 4) The site will be served by central water and central sewer.
- 5) DelDOT has not stated any objections to the project or the traffic generated by it on local roadways.
- 6) The proposed use as an RV campground will be subject to the conditions and limitations established by that approval, and also site plan review and approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried four votes to one that this application be forwarded to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 1.

The vote by roll call: Mr. Burton – yea, Mr. Johnson – yea, Mr. Ross – yea, Mr. Smith – nay, and Mr. Wheatley – yea.

In reference to **Conditional Use No. 1951:**

Mr. Johnson stated that he would move that the Commission recommend an approval of C/U #1951 for Jack Lingo Asset Management, LLC for an RV Resort and Campground based upon the record made at the public hearings and for the following reasons:

- 1) The development is consistent with the purposes and goals of the Sussex County Comprehensive Land Use Plan Update since it (1) promotes economic development; (2) promotes tourism; and (3) is consistent with the character of the zoning and development in the area.
- 2) The site is an appropriate location for the proposed development. It is located in the vicinity of Route 24, and State Route One and its commercial corridor. It is also in proximity to tourism destinations including the Inland Bays, the Delaware Bay, and the Atlantic Ocean beaches.

- 3) The location is appropriate because there are multiple ways to approach the site using several different roadways, including Cedar Grove Road, Mulberry Knoll Road, Plantations Road, Route 24 and Robinsonville Road.
- 4) While there were concerns expressed about traffic, DelDOT has not objected to the project or the traffic generated by it on area roadways. Instead, the Developer will contribute to road improvements, including Cedar Grove Road, Mulberry Knoll Road, and their respective intersections with Plantations Road and Route 24.
- 5) There will be no negative impact on schools or other similar public facilities since the development will operate only seasonally.
- 6) The project will be served by a Sussex County Sanitary Sewer District, and the County Engineering Department has not objected to it. As a result, there will not be any septic waste disposed of on the site.
- 7) The project will be served by central water.
- 8) County Code requires a 50 foot landscaped or vegetated buffer. As a result, the project will be screened from view of neighboring and adjacent properties. There are also additional buffers from environmental features on the site.
- 9) This recommendation will have several conditions that will eliminate or minimize any potential negative impact upon the area.
- 10) The Applicant has created a sufficient record in support of the Conditional Use application.
- 11) The current underlying GR and AR-1 zoning could permit approximately 513 year-round single family homes, modular homes, and manufactured homes. The proposed seasonal use of 628 RV and campsites is an alternative that would not have a greater impact than the permitted development of the tract with home sites.
- 12) The use of the property as an RV park generates less traffic on this site than development as year-round residential homes.
- 13) The proposed use is beneficial and desirable for the general convenience and welfare of Sussex County and its residents, since it will promote tourism and related services, economic growth in a designated development area, full and part-time employment opportunities, and significant economic benefits to area businesses.
- 14) The revised design elements of additional voluntary buffers in combination with ERI's recommended modifications to the site plan design will provide for a more environmentally sensitive project.
- 15) This recommendation is subject to the following conditions:
 - A. The maximum number of campground/RV sites shall be six hundred twenty-eight (628), to be built in three (3) phases, with major amenities completed during the first two (2) phases.
 - B. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT including improvements to Cedar Grove Road, Mulberry Knoll Road, and their intersections with Plantations Road and Route 24.
 - C. The Applicant shall coordinate with DART for a bus stop on site.
 - D. The project shall be served by a Sussex County Sanitary Sewer District. The Applicant shall comply with all Sussex County Engineering Department requirements regarding connection to, and service by, the District.

- E. The project shall be served water for domestic use and fire protection by a public utility.
- F. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using best management practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan. There shall be an emergency entrance onto Ward Road for use solely in the event of emergencies or evacuations. The road shall meet fire protection requirements.
- H. The project shall be surrounded by a 50 foot landscape buffer from all property lines and a 100 foot buffer from any public roads. This shall be installed as part of the 1st Phase of the project's construction. There shall also be a 400 foot buffer between any campsites and dwellings of other ownership.
- I. The Applicant has proposed additional buffers and revisions to the Preliminary Site Plan which must be submitted to the Planning and Zoning Commission for review and approval as a revised Preliminary Site Plan. The revisions and buffers must include the design recommendations of ERI in its February 2013 "Environmental Report and Design" which was submitted by the Applicant as part of the record. There revisions and buffers include:
 - 1. A 50 foot forested buffer measured landward from any federally regulated non-tidal wetlands;
 - 2. A 50 foot forested buffer measured from the non-tidal wetlands bordering on Hetty Fisher Glade and its un-named tributary.
 - 3. A 100 foot forested buffer to the south, west and northeast sides of the non-tidal wetlands surrounding Welches Pond;
 - 4. A 150 foot forested buffer to the east side of the non-tidal wetlands surrounding Welches Pond;
 - 5. Remove the road located between Welches Pond and property to the north as originally proposed. This would include the relocation or elimination of the tent camping as originally proposed adjacent to the Coastal Towing and Repair property to the north.
 - 6. Relocate the proposed crossing further to the north to further minimize impacts to Hetty Fisher Glade and its un-named tributary;
 - 7. Relocate the access road crossing of wetlands nearest to Love Creek approximately 1,000 feet north (upstream) of its current proposed location;
 - 8. Stormwater management ponds must be ringed with shoreline and edge plantings of native grasses and emergent vegetation with limited seasonal mowing. Access to the ponds for fishing and recreation should be limited to specifically designated areas;
 - 9. To protect and preserve Welches Pond and its associated wildlife and species, Welches Pond and its surrounding wetlands are not to be used for recreational purposes.
- J. The entire facility may open no earlier than March 15 each year and shall close no later than November 15 of each year. The campground/RV park shall remain vacant

- and no campers or RVs shall be stored on the campsites during the period that the campground is closed.
- K. There shall be no accessory buildings located on individual campsites.
 - L. The Applicant has stated that it intends to preserve as many trees as possible. The Final Site Plan shall include a landscaping plan showing all tree preservation areas.
 - M. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreation vehicles and equipment manufactured specifically for camping purposes. Any cabins on the site shall be “park model” travel trailers specifically manufactured for camping purposes.
 - N. There shall be no sale of alcoholic beverages in the project.
 - O. The amphitheater/chapel shall be solely for the use of the tenants and their guests of the RV Resort and Campground, and shall not be used between the hours of 10:00 pm and 7:00 am.
 - P. No marina or boat ramps shall be permitted for motorized boats.
 - Q. One sign, not exceeding thirty-two (32) square feet per side with lighting shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.
 - R. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.
 - S. All wetlands and their accompanying buffers on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan. The Applicant shall also cooperate with DNREC to permanently conserve and manage the forested buffers, significant wetlands and especially Welches Pond and the animal species of these areas.
 - T. All campsites must be 2,000 square feet in size according to the Sussex County Code.
 - U. The Applicant shall provide revised Preliminary Site Plans showing the intended site layout with the required buffers and other revisions and either depicting or noting these conditions of approval on it for review by the Sussex County Planning and Zoning Commission.
 - V. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried four votes to one that this application be forwarded to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 1.

The vote by roll call: Mr. Burton – yea, Mr. Johnson – yea, Mr. Ross – yea, Mr. Smith – nay, and Mr. Wheatley – yea.

Change of Zone 1732 – Herola Family, LLC and Artisan’s Bank

Application of **HEROLA FAMILY, LLC AND ARTISAN’S BANK** to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to CR-1 Commercial Residential District, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 25.4219 acres, more or less, lying south of Route

24 (John J. Williams Highway), 2,025 feet west of Route One. (Tax Map I.D. 3-34-12.00-127.01 and 127.07 through 127.10).

The Chairman referred back to this application, which was deferred at the August 8, 2013 meeting.

Mr. Johnson stated that he would move that the Commission recommend approval of Change of Zone #1732 for Herola Family, LLC and Artisan's Bank from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

1. The project is located in the Environmentally Sensitive Development District according to the Sussex County Comprehensive Plan.
2. The property adjoins Rehoboth Mall and Beebe Medical Center and is across Route 24 from professional office space and several small commercial properties.
3. The site is surrounded by a variety of zoning classifications, including B-1, C-1 and AR-1. This rezoning will be consistent with the surrounding zoning.
4. As part of DelDOT's ongoing plans to create a relief route from Route 24 to Airport Road, the Applicant has agreed to provide lands for the construction of the route, and the development of this site will incorporate this new road.
5. As a result of the surrounding uses and zoning classifications, this Change of Zone application is an infill rezoning and CR-1 is the appropriate zoning classification.
6. This property will be served by central water and a Sussex County Sanitary Sewer District.
7. The proposed CR-1 zoning classification is consistent with the purposes of the Sussex County Zoning Ordinance and the Comprehensive Land Use Plan by promoting the orderly growth, convenience, order, prosperity and welfare of the County and it will encourage commercial activity where substantial commercial activity exists and continues to grow.
8. The site is located near the intersection of Route One and Route 24. Route One is designated as a major arterial roadway under the County Code where zoning such as this is appropriate.
9. Any proposed use on the property will be subject to site plan review by the Sussex County Planning and Zoning Commission

Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved for the reasons stated. Motion carried 5 – 0.

OTHER BUSINESS

Subdivision #2013 – 3 – Rocks Bethany, LLC

Revised Preliminary

Mr. Abbott advised the Commission that this is the revised preliminary plan for a 5-lot subdivision; that the Commission granted preliminary approval for 5 lots on July 11, 2013 with 6 conditions of approval; that condition of approval "D" states "This preliminary approval is

contingent upon the applicant submitting a revised Preliminary Site Plan to the Commission depicting the revised buffer area and the shifted lot boundaries.”; that the revised plan depicts a 10-foot buffer along Lots 1 through 3 along the northern boundary of the perimeter and a 10-foot buffer along Dukes Dune Road along the southern boundary of the perimeter; that a 20-foot buffer is still provided between Lot 1 and Route One; that the revised plan meets the requirements of condition “D”; and that the Commission was previously provided a copy of the revised preliminary plan.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the revised plan as a revised preliminary. Motion carried 5 – 0.

Chesapeake Agrisoil Facility

CU #1962 Site Plan – Route 13A

Mr. Abbott advised the Commission that this is the site plan for a composting facility located at the Perdue Agrirecycle facility; that the site is zoned AR-1 and this conditional use was approved on June 25, 2013 with 9 conditions of approval; that the conditions of approval are noted and depicted on the site plan; that the site plan is suitable for preliminary approval only; and that the Commission was previously provided a copy of the site plan.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the site plan as a preliminary. Motion carried 5 – 0.

Angola Estates

Revised Buildable Areas Lots 62, 63 and 64

Mr. Abbott advised the Commission that this is a request to revise the buildable area for Lots 62, 63 and 64 within the Angola Estates GR/RPC; that this project was approved using a buildable area concept; that the revised plan has a 17.5 foot minimum distance between the buildable areas for these 3 lots; that since this project is a residential planned community, the Commission may amend the setback requirements; and that the Commission was previously provided a copy of the existing conditions and the proposed revised buildable area plan.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to approve the revised site plan for Lots 62, 63 and 64 only, as submitted. Motion carried 5 – 0.

Beverly A. Thawley

4 Lots and 50’ Easement – Route One

Mr. Abbott advised the Commission that this is a request to subdivide a 20.111 acre parcel into 4 lots with access from a 50-foot easement off of Route One; that all of the proposed lots have a minimum of 150-feet of road frontage along Route One; that Lots 1 and 2 will contain 0.75 acre and Lot 3 will contain 0.922 acres and the residual lands will contain 17.689 acres; that since the site fronts Route One, DelDOT is only permitting one entrance to the site due to their Corridor Preservation Program; that the owner is proposing to create the 50-foot easement over an

existing entrance to the site; that DelDOT has issued a Letter of No Objection; that the 50-foot easement will run parallel to Route One; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to approve the request as submitted as a concept. Motion carried 5 – 0.

Jean Lathbury Crevison and Others

3 Lots and 50' Easement – Road 341A

Mr. Abbott advised the Commission that this is a request to subdivide a 2.25 acre parcel into 3 lots with access from a 50-foot easement; that all of the lots will be a minimum of 0.75 acre; that the owner is proposing to create the 50-foot easement over an existing entrance to the parcel; that the three lots are for the Applicant's grandchildren; that DelDOT has issued a Letter of No Objection; that the request may be approved as submitted, or an application for a major subdivision can be required; that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the request as submitted as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 5 – 0.

ADDITIONAL BUSINESS

Mr. Abbott provided the Commission a copy of the PLUS comments for CU #1965 for Southern Delaware Botanic Gardens, Inc.

Meeting adjourned at 7:05 pm.